

July 14, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISIONBY: Breanna Coldewey  
DEPUTYRUSSELL ZINTER, *et al.*,*Plaintiffs,*

v.

Case No. 5:18-cv-680-RCL

JOSEPH SALVAGGIO, *et al.*,*Defendants.*ADVISORY TO PARTIES

The parties are hereby advised of the Tenth Circuit's decision in *Irizarry v. Yehia*, \_\_\_ F.4th \_\_\_, 2022 WL 2659462 (10th Cir. July 11, 2022), in which the Tenth Circuit joined the First, Third, Fifth, Seventh, Ninth, and Eleventh Circuits to conclude that "there is a First Amendment right to film the police performing their duties in public." *Id.* at \*6, \*8–9. The Tenth Circuit also joined the First, Third, and Fifth Circuits to hold that "officers commit[] constitutional violations when they arrest[] or detain[] plaintiffs for filming the police performing their duties in public." *Id.* at \*11. Though the Court recognizes that the events in *Irizarry* occurred in May 2019, the *Irizarry* court relied on *Turner v. Lieutenant Driver*, 848 F.3d 678 (5th Cir. 2017), in which the Fifth Circuit concluded that "the First Amendment protects the right to record the police." *Turner*, 848 F.3d at 690.

Date: July 14, 2022Royce C. Lamberth  
United States District Judge